

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CASE NO. 03-CR-10356-MLW

UNITED STATES

VS.

**FREDERICK A. SIMONE,  
a/k/a FREDDY, a/k/a  
THE NEIGHBOR,**

**VINCENT C. GIOCCHINI,  
a/k/a DEE DEE; and**

**FRANCIS WHITE, a/k/a  
THE WHITE-HAIRED GUY**

**AMENDED MOTION FOR FRANKS HEARING  
AND MOTION TO COMPEL DISCLOSURE OF INFORMANT  
STATUS OF PURPORTED TARGETS**

Now comes the defendants, Frederick A. Simone, Vincent C. Giocchini and Francis White, in the above numbered indictment and move this Court for a hearing to determine whether there were misstatements, omissions and/or misrepresentations as to material facts contained in the applications for electronic surveillance of the defendant, Simone's home and telephones.

The defendants state that there is a reasonable likelihood that the affiant, Pasquale Russolillo made misstatements as to the role of two purported "targets" to the investigation, Vincent Roberto and Michael Dezotell in the underlying investigation set forth in the affidavit.

The defendants submit that the affidavits submitted herein raise a significant factual basis that there is a good faith belief that the aforesaid "targets" were, in fact, informants which fact was not made known to the issuing magistrate. This fact is

significant and if it were made known to the magistrate it is likely that the requisite finding of "necessity" and failure of normal investigative techniques would not have been made and the warrants would not have been issued.

A memorandum of law and affidavits signed by percipient witnesses are annexed hereto and incorporated herein by reference. The defendants request permission to submit oral argument in support of this motion as well as the companion motion for an order to disclose the status of any confidential informant/targets.

WHEREFORE the defendants move this Court for a hearing to determine whether these named individuals were not targets but rather informants.

Frederick Simone  
By his attorney

/s/ Kevin J. Reddington, Esq.

Francis White,  
By his attorney

/s/ Richard M. Egbert, Esq.

Vincent C. Giocchini,  
By his attorney

/s/ Robert George, Esq.